

SENATE No. 2266

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to transportation governance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/26/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/8/2021</i>

SENATE No. 2266

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 2266) of Joseph A. Boncore, Jack Patrick Lewis and Michael O. Moore for legislation relative to transportation governance. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2037 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to transportation governance.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 3 of chapter 161A of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words “board of
3 directors of the Massachusetts Department of Transportation established in chapter 6C” and
4 inserting in place thereof the following words:- Massachusetts Bay Transportation Authority
5 board of directors established in section 7.

6 SECTION 2. Said section 3 of said chapter 161A, as so appearing, is hereby further
7 amended by striking out, in line 16, the words “secretary of transportation” and inserting in place
8 thereof the following word:- board.

9 SECTION 3. Said section 3 of said chapter 161A, as so appearing, is hereby further
10 amended by striking out, in line 23, the words “Said secretary” and inserting in place thereof the
11 following words:- The secretary of transportation.

12 SECTION 4. Clause (d) of said section 3 of said chapter 161A, as so appearing, is hereby
13 amended by adding the following sentence:- A vote under this clause relative to the employment
14 status of the general manager shall require the affirmative vote of not less than 5 members of the
15 board if the secretary is not in the voting majority.

16 SECTION 5. Said section 3 of said chapter 161A, as so appearing, is hereby further
17 amended by striking out, in lines 39 to 41, inclusive, the words “secretary of transportation; and
18 provided further, that said secretary shall notify the secretary of administration and finance of
19 any such approval” and inserting in place thereof the following words:- board; and provided
20 further, that approval of any such agreement shall require the affirmative vote of not less than 5
21 members of the board if the secretary is not in the voting majority.

22 SECTION 6. Said chapter 161A is hereby further amended by striking out section 7, as
23 so appearing, and inserting in place thereof the following section:-

24 Section 7. (a) The authority shall be governed and its corporate powers exercised by a
25 Massachusetts Bay Transportation Authority board of directors that shall consist of 7 members.

26 The secretary of transportation shall be a member and shall serve ex officio.

27 The governor shall appoint 5 members, 1 of whom shall have experience in transportation
28 operations and safety, 1 of whom shall have experience in public or private finance, 1 of whom
29 shall have experience in transportation or urban planning, 1 of whom shall be a representative of

30 a labor organization and 1 of whom shall have municipal government experience in the service
31 area constituting the authority. At least 1 of the members appointed by the governor shall be a
32 rider, as defined in section 1, shall be a resident of an environmental justice population.

33 The advisory board, as established under section 7A, shall appoint 1 member who shall
34 have municipal government experience in the service area constituting the authority.

35 The members appointed with municipal government experience in the service area
36 constituting the authority shall represent not less than 2 of the following service areas: (i) the 14
37 cities and towns; (ii) the 51 cities and towns; or (iii) the other served communities. A vacancy
38 from a member appointed with municipal government experience in the service area constituting
39 the authority who has served for 2 full terms shall be filled with a member with municipal
40 government experience from a different service area of the authority than the departing member.

41 Not less than 2 of the appointed members shall also be members of the board of directors
42 of the Massachusetts Department of Transportation established under section 2 of chapter 6C.

43 In making selections to the Massachusetts Bay Transportation Authority board of
44 directors, the appointing authority shall strive to ensure a board whose diversity and inclusion are
45 reflective of the population served by the authority.

46 (b) The term of each member, except for the secretary of transportation, shall be 4 years;
47 provided, however, that 3 of the members appointed by the governor, not including the secretary
48 of transportation, shall serve for terms that are coterminous with the governor. A member shall
49 be eligible for reappointment; provided, however, that a member shall not serve more than 2
50 terms. A member appointed to fill a vacancy in the board shall serve only for the unexpired
51 portion of the term of the former member but may be appointed to serve 2 full terms thereafter.

52 (c) The governor shall designate 1 member to serve as chair and the board shall elect 1
53 member to serve as vice-chair; provided, however, the secretary of transportation shall not serve
54 as chair or vice-chair.

55 (d) Four members of the board shall constitute a quorum and the affirmative vote of a
56 majority of members present at a duly called meeting, if a quorum is present, shall be necessary
57 for any action taken by the board; provided however, that a vote under clause (d) or (f) of section
58 3 shall require the affirmative vote of not less than 5 members if the secretary is not in the voting
59 majority if provided for in said clauses (d) and (f) of said section 3. Any action required or
60 permitted to be taken at a meeting of the board may be taken without a meeting if all of the
61 members consent in writing to such action and such written consent is filed with the records of
62 the minutes of the board. Such consent shall be treated for all purposes as a vote at a meeting.

63 (e) The board shall be afforded all the powers, responsibilities and obligations under this
64 chapter. The board may delegate any powers, responsibilities and obligations specifically
65 afforded to it to the general manager unless otherwise prohibited by this section. The board shall
66 adopt a written policy providing for the delegation of any of its powers and duties.

67 (f) The members of the board, except for the secretary of transportation, shall receive a
68 stipend of \$12,000 per year for the discharge of their official duties.

69 (g) Meetings of the board and its subcommittees shall be subject to sections 18 to 25,
70 inclusive, of chapter 30A. Records of the board shall be subject to section 10 of chapter 66.

71 (h) The board shall meet at least 1 time per month and not less than 20 times per calendar
72 year.

73 (i) Each member shall make full disclosure of financial interest, if any, in matters before
74 the board by notifying the state ethics commission, in writing, and shall abstain from voting on
75 any matter before the board in which the member has a financial interest, unless otherwise
76 permissible under chapter 268A. Chapters 268A and 268B shall apply to the secretary of
77 transportation in the secretary's capacity as an ex officio member. Said chapters 268A and 268B
78 shall apply to all other members of the board, except that the board may purchase from, sell to,
79 borrow from, loan to, contract with or otherwise deal with any person with which any member of
80 the board has an interest or involvement; provided, however, that: (i) such interest or
81 involvement is disclosed in advance to the members of the board and recorded in the minutes of
82 the board; and (ii) no member having such interest or involvement may participate in a decision
83 of the board relating to such interest or involvement. Employment by the commonwealth or
84 service in any agency thereof shall not be deemed to be such an interest or involvement.

85 (j) Members shall not be liable to the commonwealth, the authority, or any other person
86 as a result of their activities related to their duties as members of the board, whether ministerial
87 or discretionary, except for willful dishonesty or intentional violations of law. The board may
88 purchase liability insurance for members, officers and employees of the board and may
89 indemnify such persons against the claims of others.

90 SECTION 7. Section 20 of said chapter 161A is hereby amended by striking out, in line
91 5, the word "secretary" and inserting in place thereof the following word:- authority.

92 SECTION 8. Said section 20 of said chapter 161A is hereby further amended by striking
93 out, in line 29, the word "secretary" and inserting in place thereof the following word:- authority.

94 SECTION 9. Chapter 46 of the acts of 2015 is here by amended by striking out sections
95 199 to 208, inclusive.

96 SECTION 10. Notwithstanding any general or special law to the contrary, in making
97 initial appointments to the Massachusetts Bay Transportation Authority board of directors
98 established under section 7 of chapter 161A of the General Laws, the governor shall appoint the
99 governor's 2 members whose terms are not coterminous with the term of the governor to the
100 following initial terms: 1 member shall be appointed for a term of 1 year and 1 member shall be
101 appointed for a term of 3 years.